

REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 1-21 remain pending in the application. By this Amendment, replacement Figs. 1 and 2 are provided; and claims 1, 6 and 16-18 are amended. No new matter is added.

On page 2 of the Office Action, the drawings are objected to under 37 CFR §1.83(a). Specifically, the Examiner asserts that the references and actual values being represented on the display unit as recited in claims 5, 13 and 20 must be shown. In response, replacement Figs. 1 and 2 are provided with the display unit 4 labeled accordingly. Support for the shown display unit 4 may be found in the specification at least at paragraph [00021]. Withdrawal of the objection is respectfully requested.

On page 3 of the Office Action, claim 6 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner asserts that "valve of supply pipes" lacks antecedent basis. In response, claim 6 is amended to obviate the rejection. Withdrawal of the rejection is respectfully requested.

On page 3 of the Office Action, independent claim 1, along with various dependent claims, are rejected as being anticipated by U.S. Patent 6,516,245 (Dirksing et al.). In numbered paragraph 4, page 5 of the Office Action, dependent claims 2-5, 9, 12, 13, 17, 20 and 21 are rejected as being unpatentable over the Dirksing et al. patent. In numbered paragraph 5, page 6 of the Office Action, dependent claims 8 and 18 are rejected as being unpatentable over the Dirksing et al. patent in view of U.S. Patent No. 5,718,268 (Muscara). These rejections are respectfully traversed.

AMENDMENTS TO THE DRAWINGS:

The attached two sheets of drawings include changes to Figs. 1 and 2. These two replacement sheets, which include Figs. 1 and 2, replace the original sheets including Figs. 1 and 2.

Applicant has disclosed a device and a method of operating the device, which serve to mix substances, especially coloring substances, with high precision in a simple manner (e.g., paragraph [00011]). For example, the device has a processor unit, a local memory unit for storing mixing formulas, a display unit, and an input unit, as well as a measuring device, in particular a scale, with which portions of substances in quantities determined according to a mixing formula can be filled manually or automatically into a container (e.g., paragraphs [00012] and [00014]). The processor unit is further connected to a communications module, with which a wireless communications connection to a data server is established regularly or as needed, via which the data of mixing formulas can be transmitted to the local memory unit (e.g., paragraph [00013]). The measuring device is used in a feedback loop, for example, by a user reading the actual measuring value from a display and dosing the substance manually, or alternatively, by technical means when dosing automatically (e.g., paragraph [00014]). The device and the method for operating the device therefore allow a user to call up constantly up-to-date mixing formulas directly on the mixing device and then to start a mixing process, or perform a mixing manually while observing the display of the measuring device (e.g., abstract).

The foregoing features are broadly encompassed by claim 1, which recites, among other features, a device for mixing substances, comprising a processor unit; a local memory unit to store mixing formulas; a display unit and an input unit operably connected with the processor unit; and a measuring device by which portions of substances in quantities determined according to a mixing formula are filled manually or automatically into a container, wherein the processor unit is connected to a communications module for establishing a wireless communications

connection wirelessly to a data server for a time period, regularly or as needed, via which data of the mixing formulas can be transmitted to the local memory unit and used to control the measuring device. Claim 10 recites a method of operating a device according to claim 1, wherein the device regularly or as needed creates wireless communication connections to a data server, and on each occasion, up-to-date data of mixing formulas are transmitted to the local memory unit of the device.

The Dirksing et al. patent discloses customizing cosmetics for use by a consumer (abstract). The consumer provides selection data, via one or more input selection means, among them a communications port 200 permitting the device to receive consumer selection data (e.g., col. 4, lines 39-43). Hence, the consumer enters the pertinent data, i.e., selection data, from which a mixing formula is calculated (e.g., col. 4, lines 44-47). The system may provide prepackaged selection data made available to the customer via numeric code (e.g., col. 4, lines 61-67). Customers may retrieve such codes via an automated phone system or an internet web site (e.g., col. 5, lines 1-10). However, as disclosed, the Dirksing et al. patent does not teach or suggest connecting the processor unit of the device for mixing substances to a data server for a certain time, e.g., regularly or as needed, and transmitting data of the mixing formula to the local memory, as claimed.

The Dirksing et al. patent does not disclose or suggest a communication module for establishing a wireless connection to a data server for a time period. The Dirksing et al. patent discloses that the "consumer provides these selection data via one or more input selection means ..." (col. 4, lines 44-45). One of those means is the communications port. The Dirksing et al. patent further discloses that the "communications port permits the device to receive consumer selection data from

devices such as digital phones, computers, hand-held computing devices, wireless communication devices and the like" (col. 4, lines 50-54). Hence, the user is providing selection data to the apparatus via one of the listed devices. As disclosed in col. 5, lines 1-10, the making available of prepackaged selection data via the internet is a separate process, independent from entering selection data into the mixing apparatus. Fig. 1 of the Dirksing et al. patent shows consumer input of selections from computing devices or on computer readable medium in a microprocessor environment (col. 3, lines 26-33). In contrast, as claimed, a processor unit of the device for mixing substances is connected to a data server for a certain time, e.g., regularly or as needed, and data of the mixing formula is transmitted to the local memory during the duration of the established connection. The Dirksing et al. patent does not teach or suggest transmission of a mixing formula from a (remote) data server to a memory unit for a time period as claimed.

At least for these reasons, independent device claim 1, along with dependent method claim 10, are therefore allowable.

Regarding claim 2, the Dirksing et al. patent does not teach or suggest a communications module operating according to at least one mobile radio protocol or/and according to at least one Wireless Local Area Network protocol, being suitable for establishing communications connections. Claim 2 encompasses a communications module capable of establishing a wireless connection on its own. The Dirksing et al. patent does not teach or suggest such a communications module capable of establishing a connection.

Regarding claims 5 and 16, the Dirksing et al. patent does not teach or suggest, among other claimed features, reference and actual values, and/or a

difference of the reference and actual values, being visualized on the display unit for manual addition of the substances to be mixed. Claims 5 and 16 encompass visualizing a measuring value to display, for example, a quantity of a substance. The Dirksing et al. patent discloses a single line LCD to display the numeric values of the entered selection data, but does not suggest display of values relating to mixing formulas for mixing of substances. The Dirksing et al. patent does not teach or suggest a visualization of a measuring value for display as claimed.

The Dirksing et al. patent does not teach or suggest a measuring device used in a feedback loop, for example, by a user reading the actual measuring value from a display and dosing the substance manually, or alternatively, by technical means when dosing automatically. The Dirksing et al. patent discloses supplying a preset quantity of substance under the control of a processor, but does not teach or suggest a measuring device used to determine the quantity while the substance is supplied. Further, the Dirksing et al. patent does not teach or suggest altering the formula. Rather, as disclosed by the Dirksing et al. patent, once the consumer has entered a selection data, the ingredient proportions are calculated. The consumer can only choose another product or vary the color (e.g., col. 3, lines 34-54). Accordingly, the Dirksing et al. patent discloses direct control that does not involve feedback.

The Muscara patent does not cure the deficiencies of the Dirksing et al. patent. The Muscara patent was cited for its disclosure of an apparatus for dispensing liquid which has a scale 17 (abstract; Figs. 2 and 4), but does not teach or suggest the aforementioned claim features.

For the foregoing reasons, Applicant's independent device claim 1, along with dependent method claim 10, are allowable. The remaining claims depend from the

independent claim and recite additional advantageous features which further distinguish over the documents relied upon by the Examiner. As such, the present application is in condition for allowance.

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice of Allowance is respectfully solicited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.



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By:

Reg No. 48,360

Patrick C. Keane

Registration No. 32,858

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620